

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Jason Knight and John Kerns,  
Plaintiffs

v.

Civil No. 06-cv-460-SM

Sebastian Moving & Auto  
Transportation, Inc., I'm the  
Cheapest Movers, LLC, Larry  
Rodrigue, Manchester Moving,  
and James Leroy,

**O R D E R**

This case was initially filed in the New Hampshire Superior Court on or about March 14, 2006. Defendant Sebastian Moving Company and Auto Transportation, Inc., filed a notice of removal to this court on December 7, 2006. Removal to this court was not available to defendant for at least two reasons. First, the notice of removal was filed nearly eight months after suit was filed (and presumably more than thirty days after the defendant was served or appeared). See 28 U.S.C. §§ 1441, 1446. And, this is a multi-defendant case, yet the removing defendant concedes that all defendants have not either joined in or assented to removal, as is required. See Lapides v. Bd. of Regents, 535 U.S. 613, 620 (2002).

Pro se plaintiffs' motion (document no. 10) is accepted as a motion to remand this case to state court on grounds of improper removal, which motion is granted.

**SO ORDERED.**

  
Steven J. McAuliffe  
Chief Judge

February 15, 2007

cc: Jason Knight, pro se  
John Kerns, pro se  
Christopher R. Burns, Esq.  
I'm the Cheapest Movers, LLC, pro se  
Manchester Moving, pro se